



Vehicle Sales Authority
of British Columbia

**IN THE MATTER OF THE *MOTOR DEALER ACT*
AND THE *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT***

UNDERTAKING

(Section 154, *Business Practices and Consumer Protection Act*)

VSA Investigation File : #15-04-022

VSA Hearing File :#15-07-002

WHEREAS the undersigned Willowbrook Motors Ltd. (Dealer #5594) and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) are each a "Supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

AND WHEREAS the Registrar of Motor Dealers (the "Registrar") has reason to believe that the supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* (BPCPA) or the regulations made thereunder, namely: Section 5(1) BPCPA, deceptive acts and practices as defined or deemed by sections 4(1); 4(3)(a)(i to viii) 4(3)(b)(i to ix); and/or 4(3)(c)(i to iii).

Specifically:

1. On or about March 27, 2015, at or near Langley, in the Province of British Columbia, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) collectively (the "Suppliers") did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act ("BPCPA") by making an oral, written, visual, descriptive or other representation or conduct that had the capability, tendency or effect of misleading Andre Lorteau (the "Consumer") in the purchase of a 2007 Toyota Tundra VIN #5TBDV54137S476035 (the "Motor Vehicle") and specifically:
 - Advertised the Motor Vehicle for sale with a price of \$11,999 with no disclosure of any additional administrative/ documentation fee, and then sold the Motor Vehicle to the consumer for \$13,900 plus an Administrative/Documentation fee of \$697.
2. On or about March 12, 2015, at or near Langley, in the Province of British Columbia, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) collectively (the "Suppliers") did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act ("BPCPA") by making an oral, written, visual, descriptive or other representation or conduct that had the capability, tendency or effect of misleading

Virginia Dawn Jacobsen (the "Consumer") in the purchase of a 2014 Dodge Grand Caravan VIN #2C4RDGB3ER288852 (the "Motor Vehicle") and specifically:

- Advertised the Motor Vehicle for sale price of \$22,875 with no disclosure of any additional administrative/ documentation fee, and then sold the Motor Vehicle to the consumer for \$35,775 plus an Administrative/Documentation fee of \$697.

3. On or about April 3, 2015, at or near Langley, in the Province of British Columbia, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) collectively (the "Suppliers") did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act ("BPCPA") by making an oral, written, visual, descriptive or other representation or conduct that had the capability, tendency or effect of misleading Giuseppe Schiavone (the "Consumer") in the purchase of a 2006 Jeep VIN #1J8HG48NX6C257754 (the "Motor Vehicle") and specifically:

- Advertised the Motor Vehicle for the sale price of \$13,999 with no disclosure of any additional administrative/documentation fee, and then sold the Motor Vehicle to the consumer for \$14,000 plus an Administrative/Documentation fee of \$697.

4. On or about May 5, 2015, at or near Langley, in the Province of British Columbia, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) collectively (the "Suppliers") did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act ("BPCPA") by making an oral, written, visual, descriptive or other representation or conduct that had the capability, tendency or effect of misleading Vincent Coles and Tammy Coles (the "Consumers") in the purchase of a 2008 Volkswagen Passat VIN # (the "Motor Vehicle") and specifically:

- Advertised the Motor Vehicle for the sale price of \$9,999 with no disclosure of any additional administrative/ documentation fee, and then sold the Motor Vehicle to the consumer for \$10,803 plus an Administrative/Documentation fee of \$697.

AND WHEREAS, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) are desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) have resolved the consumers' monetary losses to the satisfaction of the consumers and the Registrar by refunding to the consumers the amount of any overpayment above the advertised price including tax.

AND WHEREAS, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) will complete a system review of its operations and make procedural changes satisfactory to the Registrar within 45 days of signing this Undertaking.

AND WHEREAS, Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) will complete a file review of its Motor Vehicle sales from flyers dated March 12, 13 and 27, 2015, and:

- (1) Identify the consumers who purchased the advertised vehicles.
- (2) Identify any consumers who may have paid more than the advertised price of a motor vehicle and the amount of overpayment.
- (3) Identify any consumers who may have paid an administrative/documentation fee for those vehicles that were not in the advertisement; and
- (4) Reimburse any consumers for any overpayment, including an administrative/documentation fee that was not advertised, and the overpayment of taxes.

The review and any reimbursements to consumers will be completed with written notification to the Registrar within 15 days of signing this Undertaking.

NOW THEREFORE Willowbrook Motors Ltd. and Douglas Seal (Salesperson #105082), and Steven Phillips (Salesperson #104133) each undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure that all vehicles that are advertised for sale are available for sale on the date of the advertised sale.
- c) To ensure all material facts are disclosed to consumer prior to purchase of any motor vehicle;
- d) To ensure that all persons involved in consumer transactions are licensed Salespersons under the Motor Dealer Act.
- e) To ensure that a minimum of two years of business records are maintained and available at the dealer location and are available for inspection upon request in accordance with Section 20 of the Motor Dealer Act Regulations.
- f) To ensure that all motor vehicle sales are documented on a Purchase Agreement which complies with the Motor Dealer Act and the Regulations.
- g) To ensure that all sales prices are in accordance with advertised prices.


AND THEREFORE the undersigned

- a) Willowbrook Motors Ltd. undertakes to reimburse the Registrar a total of \$791.79 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Willowbrook Motors Ltd. undertakes to pay an Administrative Penalty in the amount of \$15,000 in relation to the issue covered in this Undertaking.

THE UNDERSIGNED hereby acknowledges, represents and declares that he or she has read this Undertaking and has had a reasonable opportunity to obtain independent legal advice as to its terms.

THE UNDERSIGNED further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

IN WITNESS WHEREOF the undersigned has set his hand:

Name:	<u>Douglas Sewell</u>	Signature:		Date:	<u>July 23, 2015</u>
Name:	<u>CT</u>	Signature:		Date:	
Name:		Signature:		Date:	
Name:		Signature:		Date:	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 23rd day of July 2015



Ian Christman - Registrar of Motor Dealers